

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:)	Bankruptcy No. 21-70006-JAD
Kenneth Arthurs)	Chapter 7
Debtor)	Doc No. __
INDIANA DEVELOPMENT GROUP LLC)	
Movant)	
vs)	
Kenneth Arthurs)	
Respondent)	

**EMERGERNCY MOTION FOR RELIEF FROM AUTOMATIC STAY
PURSUANT TO 11 U.S.C. SECTION 362(d)(1)**

Indiana Development Group LLC, by its counsels, Bryan P. Keenan, Esquire and Bryan P. Keenan & Associates P.C., and moves this Court to enter the attached order for Relief from the Automatic Stay pursuant to 11 U.S.C. §362(d)(1) and states the following as grounds in support thereof:

1. On January 8, 2021 the Debtor, Kenneth Arthurs, filed a Voluntary Petition in Bankruptcy under Title 11, Chapter 7 U.S.C., in the United States Bankruptcy Court for the Western District of Pennsylvania.
2. The Court has jurisdiction to entertain this motion under 28 U.S.C. §157.
3. Indiana Development Group LLC is an entity that owns the real estate located at 566 Philadelphia Street, Indiana PA 15901.
4. The Debtor, Kenneth Arthurs, and Brenda Arthurs, operate a business establishment known as Grub's Sports Bar at 566 Philadelphia Street, Indiana PA 15901.
5. Alice Semsick, was the record owner of the subject premises, said property was purchased by 1st Summit Bank at a Sheriff Sale that occurred on February 28, 2020.

6. While still under her ownership, Alice Semsick, entered into a Lease Agreement with Kenneth Arthurs and Brenda Arthurs, for the 1st floor of the subject premises at 566 Philadelphia Street, Indiana PA 15901. A copy of the lease between Alice Semsick and Kenneth Arthurs and Brenda Arthurs is annexed hereto as Exhibit "A".

7. A Sheriff's Sale was authorized under the terms of a foreclosure action and judgment entered thereon in the Court of Common Pleas of Indiana County at No. 10405 CD 2019.

8. The Sheriffs Deeds conveying the subject premises to 1st Summit Bank was acknowledged by Robert E. Fyock, Sheriff of Indiana Count, on March 23, 2020, as Instrument Number 2020 - 307962. A true and correct copy of the Sheriff's Deed is attached hereto as Exhibit "B".

9. The Movant is the record owner of the premises where Kenneth Arthurs and Brenda Arthurs, continue to operate Grub's Sports Bar at 566 Philadelphia Street, Indiana PA 15901, having acquired title by Special Warranty Deed on January 21, 2021 from 1st Summit Bank at Instrument Number 2021 - 315593. A true and correct copy of the January 21, 2021 Special Warranty Deed is attached hereto as Exhibit "C".

10. Annexed hereto as Exhibit "D" is Grub's Sports Bar Facebook webpage to verify that the business remains in operation at 566 Philadelphia Street, Indiana PA 15901.

11. The Debtor does not have a legal right to possess the above mentioned premises.

12. The Movant claims the right of possession of the premises to the exclusion of the Debtor pursuant to the Special Warranty Deed.

13. On January 26, 2021 a property maintenance inspection was performed by the Borough of Indiana.

14. On January 27, 2021 the Borough of Indiana Department of Zone and Code Enforcement sent a letter to the prior owner, 1st Summit Bank, regarding 566 PHILADELPHIA ST - GRUBS SPORTS BAR, to note the following violations:

- a. PM 304.13 - Window, skylight and door frames.
- b. PM 304.18.1 - Doors.
- c. PM 304.6 - Exterior walls.
- d. PM 504.1 - General.
- e. PM 603.1 - Mechanical appliances.
- f. PM 604.3 - Electrical system hazards.
- g. PM 605.1 - Installation.
- h. Utility Requirements

A true and correct copy of the January 27, 2021 Borough of Indiana Department of Zone and Code Enforcement letter is annexed hereto as Exhibit "E."

15. Although the letter was addressed to 1st Summit Bank, the Movant is responsible to remedy the Code violations as the record owner of the property.

16. These violations must be brought in compliance within twenty (20) days of receiving this notice. If not brought into compliance, Chapter 327 § 327-3(B) Violations and penalties, of the Code of the Borough of Indiana may be enforced.

17. The Movant is also at risk for any claims that may arise out of Kenneth Arthurs and Brenda Arthurs operation of Grub's Sports Bar at 566 Philadelphia Street, Indiana PA 15901.

18. The Movant needs relief from Stay to secure possession of 566 Philadelphia Street, Indiana PA 15901.

19. The Co-debtor stay does not apply to Chapter 7.

20. No prior application for the relief requested herein has been made.

21. The emergency circumstances that warrant the instant motion relate to securing possession of their property, remedying the code violations and preventing any claims from arising out of the operation of Grub's Sports Bar.

WHEREFORE, Indiana Development Group LLC respectfully requests that pursuant to 11 U.S.C. §362 the Court issue an Order granting Indiana Development Group LLC relief from automatic stay in order to take any and all action under applicable state law to exercise its remedies to secure possession of 566 Philadelphia Street, Indiana PA 15901.

Respectfully submitted,

Dated: February 16, 2021

/s/ Bryan P. Keenan
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